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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,008	12/31/2003	Maria Theresa Barnes Leon	OIC0104US	5533

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EXAMINER	
MISIASZEK, MICHAEL	
ART UNIT	**PAPER NUMBER**
3625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/751,008	BARNES LEON ET AL.	
	Examiner	Art Unit	
	Michael Misiaszek	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-8 and 11-27* is/are pending in the application.

4a) Of the above claim(s) *3,11 and 17-23* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-8,12-16 and 24-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's amendments filed 7/2/2007 have been received and reviewed. That status of the claims is as follows:

Claims 3-8 and 11-27 are pending. Claims 3,11, and 17-23 have been withdrawn from consideration by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 4-8, 12-16, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rappoport.

Regarding Claims 24-27

Rappaport discloses a method and medium comprising managing a product, comprising:

- extracting product management information in a first form, wherein the product management information comprises information regarding the managing of the product and the first form is associated with a first source computerized product

management system (at least abstract: product design data for source system extracted from source system)

- converting the product management information in the first form, wherein the converting the product management information in the first form converts the product management information in the first form into product management information that is in a second intermediate form (at least column 10, lines 1-8: data converted into intermediate form and stored in bridge structure)
- converting the product management information in the second intermediate forma wherein the converting the product management information in the second intermediate form converts the product management information in the second intermediate form into product management information in a target form
  the product management information in a target form corresponds to a target computerized product management system (at least column 5, lines 1-16: intermediary form converted to target form for target system)
- the second intermediate form comprises a list of product elements for defining a hierarchy of data elements (at least column 5, lines 24-35: intermediate form can preserve parametrics, features of design)
- using the product management information in the target form to perform at least one computer-implemented act from a set of computer-implemented acts comprising:
  - creating a new product record in the target computerized product management system;

- updating an existing product management record in the target computerized product management system (at least column 5, lines 36-46: once in target form, design can be manipulated/updated)

Rappaport does not specifically disclose that the data being stored and converted in the method is product management information.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The extracting, converting, and using steps would be performed in the same manner regardless of the data. Merely labeling the data in a specific manner would not alter the functionality of the claimed method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Further, the examiner notes that Rappaport teaches using CAD systems for handling enterprise resource planning data (see at least column 1, lines 43-52), which is equated in product management information in the present specification.

Regarding Claims 4-8, 12-16

Rappoport does not specifically disclose the hierarchy of specific data elements claimed.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The extracting, converting, and using steps of independent claims 24 and 26 would be performed in the same manner regardless of the data. In other words, no matter the format or makeup of the product management information, the same steps would be performed. Merely arranging the data in a specific fashion or labeling the data in a specific manner would not alter the functionality of the claimed method. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Response to Arguments

Applicant's arguments with respect to the Rappoport reference have been fully considered, but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., distinction between target and source systems, bidirectional communication, variable network solution) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Examiner notes that's the disclosure cited in these instances by the applicant as supporting applicant's assertions are only present in the specification. There is no recitation of such features in the claims. Further, Applicant refers repeatedly to typical operation of the claimed invention or perceived objectives and goals of the claimed invention. These factors have no bearing on the patentability of the present claims.

Applicant's argument with regard to the deficiency of Rappoport in disclosing creating a new product record are irrelevant. The limitation containing such a recitation was presented in an alternative manner. Although no citation was provided for Rappoport disclosing creation of a new product record, a citation was provided for Rappoport's disclosure of the other alternative in the limitation, updating an existing record. Accordingly, the claim limitation is met.

Applicant asserts that the cited portions of Rappoport regarding enterprise resource planning are not relevant, simply for the reason that they are present in Rappoport's introduction. While the introduction does not set forth Rappoport's invention, it establishes a background of knowledge necessary for one of ordinary skill in the art to properly understand the invention. As such, it teaches that CAD software and models, which are utilized heavily in the claimed invention, can be used for enterprise resource planning, and other purposes. Therefore, it is within the scope of Rappoport's invention to use the CAD software and models for such a purpose, and the cited sections are, indeed, relevant.

Applicant further asserts that the various intermediate data in the claimed invention is patentably distinct from that in Rappoport, due to the functinonality of the claimed data structures. The Examiner respectfully disagrees. While there may be some kind of intended use or interpretation of the claimed data structures in the present disclosure, nothing in the claims differentiates the claimed data structure from a list of data elements. In fact, the manner in which the data structure is claimed affords the data structure no further functionality, other than simply being a list of data elements. The modification and transformation of the data is not claimed in a specific manner to the point where it could only be performed on the claimed data structure. Substituting any collection of data with that claimed would not in any way alter the positively recited steps claimed. Accordingly, the Examiner reasserts his stance that the specific nomenclature of the claimed data structure is non-functional descriptive material.

With regard to applicant's assertion that the Examiner attempted to correlate the claimed hierarchical data structure with Rappoport's rollback log, the Examiner notes that the correlation was not to the rollback log specifically, but to the intermediate bridge data structure of Rappoport which simply allows for the creation of rollback logs. Accordingly, the Examiner refers Applicant back to the cited portion to reconsider the overall disclosure of the bridge data structure, and not merely the rollback logs.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael A. Misiaszek
Patent Examiner
9/14/2007

YOGESH C. GARG
PRIMARY EXAMINER
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